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10/700,028

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Donald E. Smith

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EXAMINER

OUELLETTE, JONATHAN P

ART UNIT

PAPER NUMBER

3629

NOTIFICATION DATE

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ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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Office Action Summary	Application No. 10/700,028	Applicant(s) SMITH, DONALD E.	
	Examiner Jonathan Ouellette	Art Unit 3629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 March 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 and 9-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 and 9-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. Claims 1-7 and 9-18 are currently pending in application 10/700,028.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. **Claims 1, 9, 11, 16, and 17 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement.** The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claims 1, 9, 11, 16, and 17 have been amended by Applicant to disclose wherein a generated status message is sent to only a specified group; however, such subject matter was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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5. **Claim 16 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.**

6. Claim 16 discloses allowing a generated status message to be sent to only said further subset of said subset of said persons, as confirmation that said customer has successfully created said un-displayed topic of interest and has joined said new group. However, the subsets are based on users having the same interests – and new group are started when no subsets exists. Therefore the Examiner does not understand how a message would be sent to a subset that does not exist.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. **Claims 1-7, 9, 12, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Burnstein et al. (US 2002/0032735 A1) in view of Munsil et al. (US 5,761,650), and further in view of Quach (US 2004/0080534 A1), and further in view of Official Notice.**

9. As per **independent Claims 1, 9, and dependent Claim 18**, Burnstein discloses a method for connecting no more than a plurality of customers using a domain accessible through a communications network, each of said plurality having and an account associated with a service provider, said service provider communicatively linked to said domain, said method

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comprising: notifying said each of said plurality about said domain (Abstract, Figs.1-2, Para 0034-0039); providing said each of said plurality with access to said domain; providing said each of said plurality with a customer profile questionnaire; receiving responses to said questionnaire from at least a portion of said plurality of customers (*Figs.6-10, providing search ability and receiving search string information is equivalent to sending a questionnaire and receiving responses – in both cases data is receive to correlate users; The invention disclosed by Burnstein is meant to be an advancement on collecting profile information through a simple questionnaire, Para 0114; Burnstein discloses establishing matches based on search string information, identification information and other derived profile type information, Para 0028*); receiving an inquiry about a community of interest (COI) from one customer in said portion; determining existence of said COI with which other customers in said portion are associated (Para 0022-0023, user search and match); sending, if COI does not exist, a different generated status message to said inquiring customer signifying that said inquiring customer has successfully joined a new COI (Para 0023 – invitation to join or start new community sent to user); and allowing at least a subset of said portion of said plurality of customers giving common answers to said questionnaire (common search strings) to communicate with each other using said domain while not disclosing true identity of each customer of said subset to others of said plurality (*subset*), said subset comprising said one customer and said other customers (Abstract, Figs.1-2, Para 0034-0039).

10. While Burnstein does disclose inviting customers to participate in an online community (Abstract, Para 0034-0037), Burstein fails to expressly disclose wherein said plurality of

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customers has a billing address, and notifying said each of said plurality about said domain by including information in a billing statement for said each of said plurality.

11. However, Munsil discloses tracking customer billing information and account information (C3 L57-61), and providing customers with information, messages and notices by including the information in a billing statement dedicated for the customer (C3 L17-24).

12. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included wherein said plurality of customers has a billing address, and notifying said each of said plurality about said domain by including information in a billing statement for said each of said plurality, as disclosed by Munsil in the system disclosed by Burstein (See KSR [127 S Ct. at 1739] “The combination of familiar elements according to known methods is likely to be obvious when it does no more than yield predictable results.”).

13. While Burnstein does disclose matching new users to established communities and adding the new user to the list (Para 0037), Burstein fails to expressly disclose generating and sending a status message to *only* said certain customers as confirmation that said at least one inquiring customer has joined said COI.

14. However, Quach discloses generating a message to current members regarding a new member to a community/group (Para 0143-0144, Fig.13A), and Official Notice is taken that it would have been obvious to one of ordinary skill in the art at the time the invention was made that the new user would not need to receive the message – as they would already be aware that they joined the group.

15. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included generating and sending a status message to only said

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certain customers as confirmation that said at least one inquiring customer has joined said COI, as disclosed by Quach in the system disclosed by Munsil, in the system disclosed by Burnstein, for the advantage of providing a method for inter-connecting through a communications network a no more than plurality of customers who are associated with a service provider, with the ability to increase new user integration by communicating changes in community participation (See KSR [127 S Ct. at 1739] “The combination of familiar elements according to known methods is likely to be obvious when it does no more than yield predictable results.”).

16. As per Claim 2, *Munsil* discloses wherein said notifying further includes mailing said billing statement to each of said plurality (Munsil, C3 L11-14).

17. As per Claim 3, *Burnstein* discloses wherein said notifying further includes providing said plurality with a universal resource locator (URL), said URL for allowing said plurality access to said domain.

18. As per Claim 4, *Burnstein* discloses wherein said access means includes a server associated with a URL and made available to said plurality of customers, said server facilitating access to said domain by said plurality.

19. As per Claim 5, *Burnstein* discloses wherein said addresses are used in establishing said subset of said plurality.

20. As per Claim 6, *Burnstein s* discloses wherein said domain is only accessible to those of said plurality sharing a common interest.

21. As per Claim 7, *Burnstein s* discloses wherein said providing further requires that said each of said plurality enter a password to gain access to said domain.

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22. As per Claim 12, While Burnstein does disclose inviting customers to participate in an online community (Abstract, Para 0034-0037); Burnstein fails to expressly disclose notifying said plurality of customers about said domain by including information in a billing statement associated with said service provider.

23. However, Munsil discloses providing customers with information, messages and notices by including the information in a billing statement dedicated for the customer (C3 L17-24).

24. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included notifying said plurality of customers about said domain by including information in a billing statement associated with said service provider, as disclosed by Munsil in the system disclosed by Burstein (See KSR [127 S Ct. at 1739] “The combination of familiar elements according to known methods is likely to be obvious when it does no more than yield predictable results.”).

25. **Claims 11, and 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Burnstein et al. (US 2002/0032735 A1) in view of Quach (US 2004/0080534 A1).**

26. As per **independent Claim 11**, Burnstein discloses a computer-readable medium containing a plurality of instructions that, when executed by at least one processor, causes said at least one processor to perform a method for inter-connecting through a communications network a no more than plurality of customers who are associated with a service provider (Abstract, Figs.1-2, Para 0034-0039), said method comprising: providing each of said plurality of customers with a customer profile questionnaire; receiving responses to said questionnaire from at least a portion of said plurality of customers (Figs.6-10, providing search ability and receiving search string information is equivalent to sending a questionnaire and receiving responses – in

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both cases data is receive to correlate users; The invention disclosed by Burnstein is meant to be an advancement on collecting profile information through a simple questionnaire, Para 0114; Burnstein discloses establishing matches based on search string information, identification information and other derived profile type information, Para 0028); allowing a subset of said portion of said plurality of customers giving common answers to said questionnaire (common search strings) to have access to a domain associated with said service provider (Fig.11); accepting data from at least one of said subset of said portion of said plurality of customers, verifying a true identity of said at least one of said subset of said portion of said plurality of customers based at least a portion of said data (Para 0056); mapping said true identity to an alias (anonymous user ID) associated with said at least one of said subset of said portion of said plurality of customers (Para 0036); and allowing others of said subset of said portion of said plurality of customers with access to said domain to have access only to said alias while keeping said true identity in confidence (Para 0034-0036); wherein said at least one customer of said subset inquires about a community of interest (COI) (Para 0022-0023, user search and match), said COI is determined to exist with certain customers of said subset belonging to said COI, (Para 0016, system automatically asks permission of current user to make match – equivalent to status message).

27. While Burnstein does disclose matching new users to established communities and adding the new user to the list (Para 0037), Burstein fails to expressly disclose generating and sending a status message to said certain customers as confirmation that said at least one inquiring customer has joined said COI.

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28. However, Quach discloses generating a message to current members regarding a new member to a community/group (Para 0143-0144, Fig.13A), and Official Notice is taken that it would have been obvious to one of ordinary skill in the art at the time the invention was made that the new user would not need to receive the message – as they would already be aware that they joined the group.

29. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included generating and sending a status message to said certain customers as confirmation that said at least one inquiring customer has joined said COI, as disclosed by Quach in the system disclosed by Burnstein, for the advantage of providing a method for inter-connecting through a communications network a no more than plurality of customers who are associated with a service provider, with the ability to increase new user integration by communicating changes in community participation (See KSR [127 S Ct. at 1739] “The combination of familiar elements according to known methods is likely to be obvious when it does no more than yield predictable results.”).

30. As per Claim 13, Burnstein discloses including storing said domain and information about those of said plurality of customers having access to said domain.

31. As per Claim 14, Burnstein discloses wherein said allowing includes a server coupled to said communications network.

32. As per Claim 15, Burnstein discloses wherein said at least one of said plurality of customers uses a web browser to access said domain.

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33. Claims 10 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Burnstein et al. (US 2002/0032735 A1) in view of Munsil et al. (US 5,761,650), in view of Quach (US 2004/0080534 A1), and further in view of Carter et al. (US 2005/0068983 A1).

34. As per Claim 10, *Burnstein* and Munsil disclose authentication means for allowing each of said one customer and said other customers of said subset to establish its respective identity; and associating means for mapping each said respective identity to an alias, wherein said server further comprises: storage means for archiving said domain and information about said one customer of said subset and said other customers of said subset having access to said domain; and interaction for allowing said other customer of said subset having access to said domain to anonymously communicate with each other and with said one customer of said subset (anonymous user ID).

35. Burnstein and Munsil fail to expressly disclose associating means for mapping said identity to an alias randomly-generated and chosen by said server and associated with it's respective customer of said subset, said alias being made available to all other customers of said subset having access to said domain, said alias further concealing true identity of said respective customer of said subset.

36. However, Carter discloses randomly generating alias identity information for community users (Para 0039).

37. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included associating means for mapping said identity to an alias randomly-generated and chosen by said server and associated with said at least one of said subset, said alias being made available to other of said subset having access to said domain, said

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alias further concealing true identity of said at least one of said subset, as disclosed by Carter in the system disclosed by Munsil, in the system disclosed by Burnstein (See KSR [127 S Ct. at 1739] “The combination of familiar elements according to known methods is likely to be obvious when it does no more than yield predictable results.”).

38. As per **independent Claim 17**, Burnstein discloses a method for enabling each customer in a plurality of customers of a service provider to determine if other customers in said plurality have one or more interests in common with each customer and to anonymously communicate over a network with certain of said other customers having said interests in common, said method comprising: notifying said each of said plurality about a common domain in said network over which anonymous communication may take place (Abstract, Figs.1-2, Para 0034-0039) and providing said each customer with a customer profile questionnaire; receiving responses to said questionnaire from at least a portion of said plurality of customers (Figs.6-10, providing search ability and receiving search string information is equivalent to sending a questionnaire and receiving responses – in both cases data is receive to correlate users; The invention disclosed by Burnstein is meant to be an advancement on collecting profile information through a simple questionnaire, Para 0114; Burnstein discloses establishing matches based on search string information, identification information and other derived profile type information, Para 0028); providing a subset of said portion of said plurality of customers giving common answers to said questionnaire (common search strings) with access to said domain and giving each in said subset access to information about said interests of said other customers in said subset to permit said anonymous communication between said each customer in said subset and said other customers in said subset (Abstract, Figs.1-2, Para 0034-0039), whereby said each

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customer in said subset knows said aliases and not true identities of said other customers in said subset (anonymous user ID); permitting each in said subset to inquire about a respective community of interest (COI); determining existence or non-existence of said COI (Para 0022-0023, user search and match); sending, if said COI exists, a generated status message to others of said subset who belong to said COI as confirmation that said inquiring customer has joined said COI (Para 0016, system automatically asks permission of current user(s) to make match – equivalent to status message); and sending, if said COI does not exist, a different generated status message to said inquiring customer signifying that said inquiring customer has successfully joined a new COI (Para 0023 – invitation to join or start new community sent to user).

39. While Burnstein does disclose inviting customers to participate in an online community (Abstract, Para 0034-0037), Burstein fails to expressly disclose wherein said plurality of customers has a billing address, and notifying said each of said plurality about said domain by including information in a billing statement for said each of said plurality.

40. However, Munsil discloses tracking customer billing information and account information (C3 L57-61), and providing customers with information, messages and notices by including the information in a billing statement dedicated for the customer (C3 L17-24).

41. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included wherein said plurality of customers has a billing address, and notifying said each of said plurality about said domain by including information in a billing statement for said each of said plurality, as disclosed by Munsil in the system disclosed by

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Burstein (See KSR [127 S Ct. at 1739] “The combination of familiar elements according to known methods is likely to be obvious when it does no more than yield predictable results.”).

42. While Burnstein does disclose matching new users to established communities and adding the new user to the list (Para 0037), Burstein fails to expressly disclose generating and sending a status message to said certain customers as confirmation that said at least one inquiring customer has joined said COI.

43. However, Quach discloses generating a message to current members regarding a new member to a community/group (Para 0143-0144, Fig.13A), and Official Notice is taken that it would have been obvious to one of ordinary skill in the art at the time the invention was made that the new user would not need to receive the message – as they would already be aware that they joined the group.

44. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included generating and sending a status message to said certain customers as confirmation that said at least one inquiring customer has joined said COI, as disclosed by Quach in the system disclosed by Munsil, in the system disclosed by Burnstein, for the advantage of providing a method for inter-connecting through a communications network a no more than plurality of customers who are associated with a service provider, with the ability to increase new user integration by communicating changes in community participation (See KSR [127 S Ct. at 1739] “The combination of familiar elements according to known methods is likely to be obvious when it does no more than yield predictable results.”).

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45. Finally, Burnstein, Munsil, and Quach fail to expressly disclose randomly associating, through operation of a server, said true identity of said each customer of said subset with a respective alias.

46. However, Carter discloses randomly generating alias identity information for community users (Para 0039).

47. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included randomly associating, through operation of a server, said true identity of said each customer of said subset with a respective alias, as disclosed by Carter in the system disclosed by Quach, in the system disclosed by Munsil, in the system disclosed by Burnstein (See KSR [127 S Ct. at 1739] “The combination of familiar elements according to known methods is likely to be obvious when it does no more than yield predictable results.”).

48. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Burnstein et al. (US 2002/0032735 A1) in view of Munsil et al. (US 5,761,650).

49. As per **independent Claims 16**, Burnstein discloses a data display for displaying information about a domain to a customer associated with a service provider, said customer having been notified about an address associated with said domain by said service provider, said domain being made available to said customer for facilitating communication with persons having a common interest with said customer, said data display comprising: a logon field for receiving input data from said customer, said input data for establishing an identity of said customer; an alias field for displaying an alias associated with said customer, said alias further being made available to persons having access to said domain and sharing said common interest with said customer (Abstract, Figs.1-2, Para 0034-0039); and a selection field allowing said

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customer to choose a topic of interest (enter search string), said topic of interest being identified by said customer responding to questions in a customer profile questionnaire presented by said service provider to said customer on said data display and being linked to at least a subset of said persons sharing said common interest with said customer (*Figs.6-10, providing search ability and receiving search string information is equivalent to sending a questionnaire and receiving responses – in both cases data is receive to correlate users; The invention disclosed by Burnstein is meant to be an advancement on collecting profile information through a simple questionnaire, Para 0114; Burnstein discloses establishing matches based on search string information, identification information and other derived profile type information, Para 0028*); (a) creating a new group of persons including said customer and a further subset of said subset of persons, all of whom are interested in an un-displayed topic of interest and (b) allowing a generated status message to be sent to only said further subset of said subset of said persons, as confirmation that said customer has successfully created said un-displayed topic of interest and has joined said new group (Para 0022-0023, invitation to join or start new community sent to user if no matching community found; *Figs.1-9 – invitation is equivalent to notification – as new community establishment is based on customer agreement*).

50. Burnstein fails to expressly disclose said selection field including a “new group button.”

51. However, Burnstein does disclose matching users based on search requests and if no match is found facilitating the start of a new community (Para 0022-0023, *Figs.1-9*).

52. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included a shortcut button for a user to simply create a new community (skipping/removing the matching process). However, the Examiner believes the prior

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art of Burnstein to be an advancement on the instant invention, because it solves the problem of duplicate communities, in which a “new group button” would create (See KSR [127 S Ct. at 1739] “The combination of familiar elements according to known methods is likely to be obvious when it does no more than yield predictable results.”).

53. While Burnstein does disclose inviting customers to participate in an online community (Abstract, Para 0034-0037), Burnstein fails to expressly disclose wherein the customer is notified about an address associated with said domain by said service provider by way of a billing statement.

54. However, Munsil discloses providing customers with information, messages and notices by including the information in a billing statement dedicated for the customer (C3 L17-24).

55. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included wherein the customer is notified about an address associated with said domain by said service provider by way of a billing statement, as disclosed by Munsil in the system disclosed by Burstein (See KSR [127 S Ct. at 1739] “The combination of familiar elements according to known methods is likely to be obvious when it does no more than yield predictable results.”).

Response to Arguments

56. Applicant's arguments filed on 3/9/2010, with respect to Claims 1-7 and 9-18, have been considered but are not persuasive. The rejection will remain as FINAL, based on the cited prior art.

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57. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

58. Applicant's arguments are addressed in the clarified rejection above.

Conclusion

59. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jonathan Ouellette whose telephone number is (571) 272-6807. The examiner can normally be reached on Monday through Thursday, 8am - 5:00pm.

60. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (571) 272-6812. The fax phone numbers for the organization where this application or proceeding is assigned (571) 273-8300 for all official communications.

61. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Office of Initial Patent Examination whose telephone number is (703) 308-1202.

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June 8, 2010

/Jonathan Ouellette/

Primary Examiner, Art Unit 3629